

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathilde Benveniste
Serial No.: 10/736,768
For: Power-Saving Mechanism for Periodic Traffic Streams in Wireless Local-Area Networks
Filing Date: December 16, 2003
Examiner: Salman Ahmed
Art Unit: 2619
Conf. No.: 5715

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This paper responds to the Advisory Action mailed from the United States Patent and Trademark Office on October 24, 2008 ("current Office Action"). A Notice of Appeal and a 1-month extension of time is being filed concurrently

REMARKS

Applicants have carefully reviewed and considered the current Office Action and the reference(s) cited therein. Claims 1-20 are pending in this application.

The Examiner has failed to Establish a Prima Facie Case of Obviousness.

All of the Examiner's rejections under 35 U.S.C. §103 combine U.S. Patent No. 5,737,330 issued to Fulthorp et al. ("Fulthorp") with U.S. Patent 6,807,159 issued Shorey. ("Shorey").

Claim 1 recites receiving a temporal period and a when the temporal period cannot be accommodated, then determining a temporal offset for a wake-up schedule. As stated in the specification as filed at paragraph 46, the temporal offset is used to keep the rate of collisions between the new wake-up schedule and existing schedules below a threshold value.

In the Examiner's rejection, the Examiner has stated multiple different items as being equivalent to the claimed temporal period and temporal offset. For example, on page 2, the Examiner states that the "data indicative of a communications interval" is equivalent to a temporal period. Later in the rejection, the Examiner equates a "particular time frame" as being equivalent to the temporal period. Thus, the Examiner is interpreting the claimed temporal period as both data indicative of a communication interval and a particular time frame. The Examiner cannot interpret a claim so broadly as to read on two different things, and base a rejection on that. The Examiner is asked to specify in detail which element of Fulthorp he is interpreting as the temporal period, either the "data indicative of a communications interval" or "a particular time frame" so that an appropriate response can be determined. Similarly, the Examiner has done the same with respect to the claimed temporal offset, equating the claimed temporal offset as both a "poll sequence" and as a "polling interval". Again, the claim element cannot be interpreted so broadly that it is considered the same as two completely different things in order to base a rejection. Obviously, a polling sequence is different than a polling interval. An interval is defined as a space between things, whereas a sequence is defined as an order of succession. The Examiner is asked to specify in detail which element of Fulthorp he is interpreting as the temporal offset, either the "polling interval" or "a poll sequence" so that an appropriate response can be determined. Applicants assert that the claimed temporal offset is neither a space between things nor an order of succession.

Accordingly, since Fulthorp fails to disclose or suggest the use of a temporal offset with a wake up schedule claim 1 is believed allowable over Fulthorp and Shorey. Claims 12 and 17 contain similar language regarding a temporal offset for a wake-up schedule, and are believed allowable for at least the same reasons as claim 1. Claims 3-11, 13-16 and 18-20 depend from claim 1, 12 or 17 and are believed allowable as they depend from a base claim which is believed allowable.

Further, in the Advisory Action sent on October 24, 2008, the Examiner stated that the "... polling interval is indeed equivalent to the poll sequence". This is clear error as an interval (a space between things) is not in any way equivalent a to a sequence (an order of succession) and to attempt to interpret a claim limitation in such a manner is clear error.

Regarding claim 3, claim 3 states in part "...selecting a value for said temporal offset so that the rate of collisions between said wake-up schedule and said one or more existing schedules is below a threshold". In claim 3 it is the rate of collisions that is sought to be kept below a threshold. In the rejection of claim 3 the Examiner states that any remote units that do not see the ID on a poll list hold off on their transmission (which the Examiner somehow is also equating to a temporal offset), for all the poll responses to be complete thereby eliminating any chance of collisions. The Examiner has failed to explain what the poll list equates to (a wake-up schedule or a polling schedule). There appears to be only a single schedule in Fulthorp, so then there cannot be a selected temporal offset such that a rate of collisions between a wake-up schedule (a first schedule) and one or more existing schedules (a second schedule) as recited in claim 3.

The remaining claims have similar rejections regarding the claimed temporal period and temporal offset as well as the use of a wake up schedule and one or more existing schedules.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner or Panel believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, they are cordially invited to telephone the undersigned at (508) 616-

9660. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-3735.

Respectfully submitted,

Date: December 4, 2008

/DWR/

David W. Rouille, Esq.
Attorney for Applicants
Registration No.: 40,150
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661